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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/675,377	KARAOGUZ ET AL.
	Examiner	Art Unit	
	Scott Christensen	2444	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 July 2009</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-29</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-29</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   This Office Action is in regards to the most recent papers filed on 7/24/2009.

Response to Arguments

2.   Applicant's arguments with respect to claims 1-29 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Objections

3.   Claim 20 objected to under 37 CFR 1.75(c), as being of improper dependent

form for failing to further limit the subject matter of a previous claim. Applicant is

required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper

dependent form, or rewrite the claim(s) in independent form.

      Claim 20, as currently presented, claims that a component of the system of claim

17 is replaced with another component. As claim 17 is not a method, it appears that

claim 20 no longer requires the "set-top box system" of claim 17, or any of the

limitations associated therewith, but rather requires the "communications device" as

recited in claim 20. Applicant should amend the instant claim in such a way as to still

require the set-top box system of claim 17 to be part of the system of claim 20, or

cancel the instant claim.

Claim Rejections - 35 USC § 112

4.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5.   Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.   Claim 11 recites the limitation "the third communications device." There is insufficient antecedent basis for this limitation in the claim. It appears that this was intended to read "the second communications device."

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reynolds et al. in US Patent Application Publication US 2004/0045030, hereafter referred to as "Reynolds" in view of 15-1243.A5.fm from RadioShack, published September 12, 2000, hereafter referred to as "RadioShack."

9.   With regard to claim 1, Reynolds discloses a system for adapting media content, comprising:

a first communications device disposed in the location first, the first communications device being operatively coupled to a network (Reynolds: Figure 4A,

Client), the device profile relating to the first communication device (Reynolds:

Paragraph [0211]); and

the second communications device disposed in the second location, the second

communications device being operatively coupled to the network, the second

communications device receiving the updated device profile relating to the first

communications device, adapting media content based upon the device profile of the

first communications device, and sending, in a private, non-broadcast channel, the

adapted media content to the first communications device (Reynolds: Figure 4A,

Processor and Paragraph [0211].),

wherein the private, non-broadcast channels displayed in the first private home

comprise the private, non-broadcast channel sent by the second communication device

and private, non-broadcast channels originating from the first communication device

(Reynolds: Figure 4A. As the information is sent to the first communication device to

display, the display of the first communication device includes both the information sent

to it from the second communication device as well as information originating from the

first communication device.).

However, Reynolds does not disclose expressly that the method is performed in

a media exchange network comprising a media exchange server, a network, a first

private home and a second private home, the media exchange server being external to

the first private home and to the second private home,

that the first communication device updates a device profile within the first communications device, the first communications device automatically sends the updated device profile to a second communications device,

that the first location is in a first private home,

that the second location is in a second private home,

a file is sent with the media content,

wherein the first communications device uses a TV channel guide look-and-feel user interface to display private, non-broadcast channels and public broadcast channels, or

wherein the adapted media content is set to a first quality that is lower than a second quality level that is supported by the first communications device, and

wherein the file comprises information as to where the media content of a highest quality level resides outside of the first private home and the second private home.

However, Official Notice (See MPEP 2144.03) is taken that a person of ordinary skill in the art would have known how to have the locations being private homes and the server being external to the homes. Official Notice is further taken that having a file with metadata that has information on media of the highest quality was well known in the art.

Accordingly, it would have been obvious to modify Reynolds with the well known functionality.

The suggestion/motivation for doing so would have been that having a file that includes information on where the original file is located allows a content publisher to receive full credit for the work. Having this file staying with the media content even

when the quality of the media content is adjusted by another party ensures that the

original publisher maintains credit for the work. Further, this allows copyright protection

to be maintained. The file also would allow the content to be downloaded as opposed

to streamed, so that a user who decides to view the content at a later time can utilize

the file to receive the downloaded version. As the speed requirement for transmission

of a downloaded file are less constraining than the requirements for streaming, the

downloaded file can have a higher quality. Further, the location of the components

does not appear to impact the functionality of the system. Having the locations being

private homes allows private users to utilize the system, and having the server outside

of the homes allows a commercial entity to provide services to the users.

Further, RadioShack discloses that combining broadcast signals into a single

connection, which is then viewed using the same interface (such as public broadcast

channels and private channels) was well known in the art (RadioShack: Page 1).

Devices called RF Modulators performed this functionality by taking an input signal

(public television), then modulating a private signal (VCR, game console, etc.) with the

input signal, which is then input into a television. The RF Modulator is configured to

input the signal into a designated channel, such as channel 3 or channel 4, as was

commonly performed in North America. Thus, when the user utilizes the television, the

non-designated channels display any information associated with the channel from the

input signal, and the designated channel displays the private information.

Accordingly, it would have been obvious to modify Reynolds with the functionality

of an RF modulator to result in the first communication device using a TV channel guide

look-and-feel user interface to display private, non-broadcast channels and public

broadcast channels.

The suggestion/motivation for doing so would have been that by utilizing an RF

modulator, the streamed content could be input into a wider variety of televisions. Most

televisions at the time included a coaxial input, which was commonly used by public

broadcast channel inputs, such as that provided by many cable television companies.

Meanwhile, other inputs, while on many televisions, were not on as many televisions as

the coaxial input. Thus, by using a coaxial connection, televisions that could not

otherwise display content from the communications devices would be capable of doing

so. However, without an RF modulator of some sort, the content could not be viewed

through the same connection as regular broadcast channel content. Thus, utilizing an

RF modulator (whether embedded in the communications device, as was the case with

many VCR devices or as a separate device) would allow a television to utilize a single

coaxial connection to view both regular broadcast channels and the signals from the

communications devices.

10.   With regard to claim 2, Reynolds as modified by RadioShack teaches:

        that the first communications device is coupled to the network via a first headend

(Reynolds: Figure 8. The components are connected to networks. A headend, as

claimed, appears to be the interface that enables the device to be connected to a

network. As the devices of Reynolds are connected to the network, they have a

headend.), and

that the second communications device is coupled to the network via a second headend (Reynolds: Figure 8. The components are connected to networks. A headend, as claimed, appears to be the interface that enables the device to be connected to a network. As the devices of Reynolds are connected to the network, they have a headend.).

However, Reynolds does not disclose expressly that the first headend is a satellite headend and that the second headend is a DSL headend.

However, Official Notice is taken satellite headends and DSL headends were well known in the art.

Accordingly, it would have been obvious to have the headends of Reynolds being a satellite and DSL headend.

The suggestion/motivation for doing so would have been that allowing Reynolds to utilize satellite and DSL headends allows the users to utilize interfaces that the users likely already possess to utilize the system of Reynolds. Further, satellite and DSL headends would utilize an infrastructure that is already in place in most areas to implement the network of Reynolds.

11.   With regard to claim 3, Reynolds as modified by Radioshack teaches that at least one of the first communications device and the second communications device comprise a software platform that can provide a user-interface functionality, a distributed storage functionality and a networking functionality (Reynolds: Figure 8. The devices are connected to at least one network, and thus have networking functionality.

Further, as seen in paragraph [0155], a distributed storage functionality may be performed, either with regard to the video or with regard to the CODECS. Finally, as seen in Figure 10, browsing may occur via the set-top box, meaning that a user-friendly interface may be provided. Applicant should amend the instant claim to clearly reflect the function of each of these functionalities, including how the functionalities are provided.).

12.   With regard to claim 4, Reynolds as modified by Radioshack teaches that at least one of the first communications device and the second communications device comprises a software platform that can provide device registration, channel setup, program setup, management and security (Reynolds: Paragraph [0144]. PDAs, which can be used with the system of Reynolds, can perform some sort of managing functions. Further, as per the rejection of claim 1, channel setup clearly occurs, as the content is displayed in a channel. According to Reynolds, paragraph [211], the programs are set up according to the profile. Finally, as a profile is utilized, the device is clearly registered in some manner. As with the rejection of claim 3, above, Applicant should amend the instant claim to clearly reflect the function of each of these functionalities, including how the functionalities are provided.).

13.   With regard to claim 5, Reynolds as modified by Radioshack teaches that at least one of the first communications device and the second communications device is adapted to provide a distributed networking capability, an archival functionality, a

temporary storage capability, a storage manager (Reynolds: Paragraph [0144]. PDAs,

which can be used with the system of Reynolds, can store files, so this constitutes at

least either a temporary storage capability or an archival functionality. Further, as seen

in Figure 8, the internet may be utilized, thus a distributed network functionality is

performed.). However, Reynolds does not disclose expressly that one of the devices is

adapted to provide a digital rights manager.

However, Official Notice is taken that digital rights managers were well known in

the art.

Accordingly, it would have been obvious to provide a digital rights manager.

The suggestion/motivation for doing so would have been that illegal distribution

of media is a problem, as companies are not being paid for the distribution of their

content, meaning that sells become reduced. Further, the user may create a situation

where the user may become liable for "damages" due to the distribution of the content.

By providing some digital rights management functionality, the illegal distribution of

content may be reduced, thus allowing the companies that own the rights to the media

to obtain their rightful compensation for the distribution of the media, and preventing

liability on the part of the user through the illegal distribution of content.

14.   With regard to claim 6, Reynolds as modified by Radioshack teaches that the

device profile comprises information related to digital media parameters (Reynolds:

Paragraph [0211]).

15.   With regard to claim 7, Reynolds as modified by Radioshack teaches that the
information related to the digital media parameters comprises information related to at
least one of resolution and display size (Reynolds: Paragraph [0211]).

16.   With regard to claim 8, Reynolds as modified by Radioshack teaches that the
device profile comprises information related to media capabilities of the first device
(Reynolds: Paragraph [0211]).

17.   With regard to claim 9, Reynolds as modified by Radioshack teaches that at least
one of the first communications device and the second communications device
comprises a display that facilitates viewing and interacting with a user interface, media,
data and services available on the network (Reynolds: Figure 10. The display of
Reynolds makes facilitates all functionalities performed by the communications device.
Applicant should amend the instant claim to clearly reflect how the facilitation occurs.).

18.   With regard to claim 10, Reynolds as modified by Radioshack teaches that the
first communications device requests the media from the second communications
device via the network (Reynolds: Paragraph [0229]).

19.   With regard to claim 11, Reynolds as modified by Radioshack teaches that the
second communication device sends, in a second private, non-broadcast channel,
personal video (Reynolds: Paragraph [0211]. A video signal is sent.) and wherein the

first communication device uses the TV channel guide look-and-feel user interface to display the second private, non-broadcast channel (Reynolds: As per the rejection of claim 1, above, the signals are modulated in the proposed combination). However, Reynolds does not disclose that the second communications device sends in a first private, non-broadcast channel, personal pictures or in a third private, non-broadcast channel, personal music.

However, Official Notice is taken that distribution of personal pictures and personal music was well known in the art. Further, it would have been well known to utilize a channel for these functionalities (such as a camera could be connected to a television through an RF modulator, as could music).

Thus, it would have been obvious to have the second communications device sends in a first private, non-broadcast channel, personal pictures or in a third private, non-broadcast channel, personal music.

The suggestion/motivation for doing so would have been that allowing the distribution of music and personal pictures over the same network as the video allows the user to share personal pictures as well as music with others, as well as allowing the user to view these on a different display, where the display is associated with the first communications device.

20.   With regard to claim 12, Reynolds as modified by Radioshack teaches that the device profile comprises one or more digital parameters to set to a quality lower than a

maximum quality level supported by the first communications device (Reynolds:

Paragraph [0211]).

21.   With regard to claim 13, Reynolds teaches the invention as substantially claimed

except:

        wherein the second communications device creates private media channels

relating to particular content residing in the second communications device, and

        wherein the second communications device pushes the private media channels

from the second private home to authorized devices in the media exchange network.

        However, Official Notice is taken that streaming content over networks, in a

manner similar to a radio or television broadcast, was well known in the art. For

instance, internet radio stations already existed. Further, it would have been well known

to create permissions for content, and send the content only to those who have the

authorization to access the content.

        Accordingly, it would have been obvious to allow the second communications

device to create a private media channels, and push the channels to authorized

devices.

        The suggestion/motivation for doing so would have been that allowing users to

publish their own streams allows user generated content and/or play lists to be enjoyed

by friends and family. This further greatly expands on content available over a network,

as any user can create content to be shared with others.

22.   With regard to claim 14, Reynolds as modified by Radioshack teaches that the

file comprises a meta file associated with the media content (Meta data is interpreted as

simply being data about data, where a meta file would be a file with data about data. In

this case, the data transmitted is data about the original media presentation, and is thus

data about data.).

23.   With regard to claim 15, the instant claim is substantially similar to the subject

matter of claim 1, and is rejected for substantially similar reasons.

24.   With regard to claim 16, Reynolds as modified by Radioshack teaches that the

second communications device adapts one or more digital parameters of the media

content based upon the device profile of the first communications device (Reynolds:

Paragraphs [0211] and [0254]).

25.   With regard to claim 17, the instant claim is substantially similar to claim 1, and is

rejected for substantially similar reasons. Further, Reynolds teaches that the

communications device is a set-top box (Reynolds: Paragraph [0111])

26.   With regard to claim 18, the instant claim is substantially similar to subject matter

found in claim 1, and is rejected for substantially similar reasons.

27.   With regard to claim 19, the instant claim is substantially similar to claim 15, and
is rejected for substantially similar reasons.

28.   With regard to claim 20, Reynolds teaches the invention as substantially claimed
except that the set-top box system is replaced with a communications device that stores
a revisable device profile of the communications device, and wherein the
communications device automatically sends the revisable device profile of the
communications device to the network, and wherein the communications device
receives a file associated with the media content and the media content that has been
adapted based upon the sent device profile of the communications device.

        However, Official Notice is taken that it was well known to replace devices, and
install the new device in a network.

        Accordingly, it would have been obvious to modify Reynolds with the functionality
of claim 20.

        The suggestion/motivation for doing so would have been that the method of claim
20 appears to simply be the steps required to install and operate a new device in place
of the communications device of claim 17. There are many reasons to replace the
device, such as a malfunction or an upgrade. Then, allowing the functionality of claim
20 with respect to the new device would allow the new device to function in the network
as the old device did.

29.   With regard to claim 21, the instant claim is substantially similar to claim 1, and is
rejected for substantially similar reasons.

30.   With regard to claim 22, the instant claim is substantially similar to claim 17, and
is rejected for substantially similar reasons.

31.   With regard to claim 23, the instant claim is substantially similar to claim 6, and is
rejected for substantially similar reasons.

32.   With regard to claim 24, Reynolds, as currently applied, teaches the invention as
substantially claimed except that the media content of the highest quality level resides in
the network, but external to the first home and the second home.

        However, Official Notice is taken that it would have been well known to have the
original file within the same network, but in a separate location.

        Accordingly, it would have been obvious to have the media content of the highest
quality level resides in the network, but external to the first home and the second home.

        The suggestion/motivation for doing so would have been that for the file to be
accessed through the network, it must be connected somehow to the network. It is
noted that the location of the file does not appear to affect the functionality of the instant
claim. It is also noted that the location of the second file could be a third home, a
private or public server, a store, etc, meaning that any location in the network, even a
third home, would meet the claim limitation. Further, the term "network," as currently

claimed, can include the entire Internet, meaning that the file would simply have to be somewhere on the Internet to meet the claim limitation. Accordingly, any storage location of the file external to the first or second home, and on the Internet (where the first and second home are connected to each other through the Internet) meets the claim limitation.

33.   With regard to claim 25, the instant claim is substantially similar to claim 13, and is rejected for substantially similar reasons. Further, it would have been well known to have the channel relating to content residing in the second communication device.

Accordingly, it would have been obvious to have the channel relating to content in the second communication device.

The suggestion/motivation for doing so would have been that utilizing networks, drives existing on one system can be mapped as drives on a second system, where the drive is accessed by the user in a manner similar to a local drive. Thus, a private channel, where a storage device in the second location is mapped to a drive in the first location, would be able to access the files in the drive as if the files existed in the first location.

34.   With regard to claim 26, the instant claim is substantially similar to claim 15, and is rejected for substantially similar reasons.

35.   With regard to claim 27-28, the instant claim is substantially similar to subject

matter presented in claim 1, and is rejected for substantially similar reasons.

36.   With regard to claim 29, Reynolds as modified by RadioShack, as currently

presented, does not teach expressly:

   replacing the communications device with a second communications device;

   storing, in the second communications device, a revisable device profile of the

second communications device, the second communications device being operatively

coupled to the network;

   automatically sending the revisable device profile of the second communications

device to the network; and

   receiving, from the network, a file associated with the media content that has

been adapted based upon the sent revisable device profile of the second

communications device.

   However, Official Notice is taken that it was well known to replace devices, and

install the new device in a network.

   Accordingly, it would have been obvious to modify Reynolds with the functionality

of claim 29.

   The suggestion/motivation for doing so would have been that the method of claim

29 appears to simply be the steps required to install and operate a new device in place

of the communications device of claim 27. There are many reasons to replace the

device, such as a malfunction or an upgrade. Then, performing the method of claim 27

with respect to the new device (which appears to be the functionality performed by claim

29) would allow the new device to function in the network as the old device did.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott Christensen whose telephone number is (571)270-1144. The examiner can normally be reached on Monday through Thursday 6:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. C./
Examiner, Art Unit 2444
/William C. Vaughn, Jr./
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